

EXHIBIT 6

GA Department of Community Health (Jerry Dubberly)

December 15, 2008

Atlanta, GA

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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IN RE: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456
-----) Civil Action
THIS DOCUMENT RELATES TO:) No. 01-12257-PBS
United States of America, ex. rel.) Hon. Patti Saris
Ven-a-Care of the Florida Keys,)
Inc., v. Abbott Laboratories, Inc.,)
Civil Action No. 06-11337-PBS; and)
United States of America, ex. rel.) VIDEOTAPED
Ven-a-Care of the Florida Keys,) DEPOSITION OF
Inc., v. Dey, Inc., et. al., Civil) THE GEORGIA
Action No. 05-11084-PBS; and United) DEPARTMENT OF
States of America, ex. rel.) COMMUNITY HEALTH
Ven-a-Care of the Florida Keys,) by JERRY
Inc., v. Boehringer Ingleheim) DUBBERLY
Corp. et. al., Civil Action)
No. 07-10248-PBS.) DECEMBER 15, 2008
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Atlanta, GA

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<p>1 A. No.</p> <p>2 Q. (By Mr. Lavine) Did any representative</p> <p>3 from Roxane or Boehringer-Ingelheim ever tell the</p> <p>4 State of Georgia that it was purposely creating</p> <p>5 larger spreads on its drugs so that its drugs</p> <p>6 would be more profitable to its customers, and</p> <p>7 thereby it could increase its sales?</p> <p>8 MR. ROBBEN: Object to the form.</p> <p>9 A. No.</p> <p>10 Q. (By Mr. Lavine) So to the extent that</p> <p>11 Georgia has knowledge of those types of</p> <p>12 allegations, would it be fair to say that it came</p> <p>13 from sources other than communications from drug</p> <p>14 companies?</p> <p>15 MR. ROBBEN: Object to the form.</p> <p>16 A. Yes.</p> <p>17 Q. (By Mr. Lavine) And some of its</p> <p>18 information Georgia accumulated on its own?</p> <p>19 MR. ROBBEN: Object to the form.</p> <p>20 A. Yes.</p> <p>21 Q. (By Mr. Lavine) Did anybody from the</p> <p>22 State of Georgia, to your knowledge, ever tell</p>	<p>1 compounded drug and an admixture, if any?</p> <p>2 A. We consider admixtures to be separate</p> <p>3 and not subject to compound billing, admixtures</p> <p>4 being a simple admixture of a medication with a</p> <p>5 diluent like sterile water, normal saline, D5W,</p> <p>6 for example.</p> <p>7 Q. So an admixture would be reimbursed</p> <p>8 utilizing the normal lower-of methodology we've</p> <p>9 discussed?</p> <p>10 A. It would.</p> <p>11 Q. So that would include the AWP minus 10</p> <p>12 or 11 percent approach?</p> <p>13 A. Yes.</p> <p>14 MR. LAVINE: Except for any redirect</p> <p>15 that we might need to do at the end of the day,</p> <p>16 we're finished and ready to pass the witness.</p> <p>17 MR. ROBBEN: Okay. It will just take</p> <p>18 me a couple of minutes to get my stuff in order.</p> <p>19 MR. LAVINE: Sure. So let's take a</p> <p>20 couple-minute break.</p> <p>21 THE VIDEOGRAPHER: Going off the record</p> <p>22 at 10:58 a.m.</p>
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<p>1 Abbott -- ever tell anybody from Abbott, Dey, or</p> <p>2 Roxane that it wanted them to purposely increase</p> <p>3 the spreads on their products to help them sell</p> <p>4 more drugs?</p> <p>5 MR. ROBBEN: Object to the form.</p> <p>6 MR. COLE: Object to the form.</p> <p>7 A. No.</p> <p>8 MR. COLE: Is there a question pending,</p> <p>9 or did he answer the last question?</p> <p>10 MR. LAVINE: He answered the last</p> <p>11 question.</p> <p>12 MR. COLE: What was the answer?</p> <p>13 THE WITNESS: No.</p> <p>14 MR. COLE: Thank you.</p> <p>15 Q. (By Mr. Lavine) Can you explain the</p> <p>16 manner in which the State of Georgia would</p> <p>17 reimburse for what it considers to be compounded</p> <p>18 drugs.</p> <p>19 A. Compounded drugs we reimburse at the</p> <p>20 sum of the AWP's of the ingredients of the</p> <p>21 compound plus a dispensing fee.</p> <p>22 Q. And what is the difference between a</p>	<p>1 (Deposition in recess, 10:58 a.m.</p> <p>2 to 11:08 a.m.)</p> <p>3 THE VIDEOGRAPHER: This is the</p> <p>4 continuation of tape No. 2. Going on the record</p> <p>5 at 11:08 a.m.</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. ROBBEN:</p> <p>9 Q. Good morning, Mr. Dubberly. I</p> <p>10 introduced myself at the beginning, but I'll say</p> <p>11 again my name is Philip Robben, and I represent</p> <p>12 the Dey defendants in the case.</p> <p>13 (Whereupon a document was</p> <p>14 identified as Exhibit Georgia 019.)</p> <p>15 Q. (By Mr. Robben) The court reporter has</p> <p>16 put in front of you a document we've marked as</p> <p>17 Exhibit No. 19, and it's an Amended Cross-Notice</p> <p>18 of Deposition of the State of Georgia Department</p> <p>19 of Community Health. And this was issued by the</p> <p>20 Dey and -- and Roxane defendants.</p> <p>21 Have you seen this document before?</p> <p>22 A. It looks familiar.</p>

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